

Motherwell and Wishaw Burgh Extension, &c. Order Confirmation Act 1964

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ELIZABETH II



1964 CHAPTER i

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to the Motherwell and Wishaw Burgh Extension, &c.

[25th March 1964]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Motherwell and Wishaw Burgh Extension, &c. Order Confirmation Act 1964. Short title.

SCHEDULE

MOTHERWELL AND WISHAW BURGH EXTENSION, &c.

Provisional Order to extend the boundaries of the burgh of Motherwell and Wishaw; to confer further powers upon the provost, magistrates and councillors of the said burgh with regard to their water undertaking; to make provision with respect to the local government health administration and finance of the said burgh; and for other purposes.

Whereas the provost, magistrates and councillors of the burgh of Motherwell and Wishaw (hereinafter referred to as "the Town Council") are the municipal and local authority for the burgh of Motherwell and Wishaw in the county of Lanark and are charged with the management and administration thereof:

And whereas there is within the burgh a great and acute shortage of suitable housing for the accommodation of the inhabitants thereof and persons employed and likely to be employed therein:

And whereas there has taken place a considerable expansion of industry within the burgh and further expansion and developments are anticipated:

And whereas the lands available for the erection of dwelling-houses within the burgh are limited and it is necessary to provide for the erection of houses on lands outwith the boundaries thereof for the proper accommodation of persons living employed and to be employed therein and additional lands will be required for such purpose:

And whereas the lands available within the burgh for the development for housing industrial functional and other purposes and for the provision of recreation areas and open spaces are inadequate and it is necessary to provide additional lands outwith the existing burgh for the proper development of the burgh for these purposes:

And whereas the boundaries of the existing burgh are in certain parts not coincident with marked geographical features and in some respects are unsatisfactory and inconvenient:

And whereas the areas described in the First Schedule to this Order (hereinafter referred to as "the added areas") are situated in the county of Lanark and immediately adjoin the existing burgh and include lands suitable for housing which it would be proper in accordance with sound town planning principles to develop for

housing: and such lands should be developed in conjunction with the burgh and there are also within the added areas certain developed areas adjoining the burgh which with the burgh form a common centre of population and in parts of which certain services are provided by the Town Council and in which the Town Council own or manage property for the purposes of their statutory functions and between which and the burgh there is community of interest:

And whereas the added areas together with the burgh would constitute an area suitable and convenient for proper planning and the boundaries thereof would for the most part be well defined convenient and coincident with marked geographical features:

And whereas it is expedient and would be for public and local advantage that the boundaries of the existing burgh should be extended and should include the added areas as provided by this Order and that all franchises, rights, privileges and immunities of and pertaining to the existing burgh and the powers and jursidictions of the Town Council and all other powers and jurisdictions applicable within the existing burgh should as provided by this Order be extended to and be applicable within the burgh as extended by this Order and to the inhabitants thereof:

And whereas it is expedient that subject to the provisions of this Order and the Local Government (Scotland) Acts, 1947 to 1951, the added areas should be separated and disjoined for the purposes of this Order from the county of Lanark and that all matters of administration and management and all jurisdictions, powers, functions and authorities within the added areas should devolve upon and be vested in the Town Council:

And whereas it is expedient that the added areas should be added to certain existing wards of the burgh as provided in this Order:

And whereas the Town Council are the local water authority within the burgh:

And whereas it is expedient to extend the limits within which the Town Council are authorised to supply water to include the added areas as hereinafter provided in this Order:

And whereas it is expedient that the further provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act, 1936:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

PART I

PRELIMINARY

Short title and citation.

1. This Order may be cited as the Motherwell and Wishaw Burgh Extension Order 1964.

PART I —*cont.*

Commencement of Order.

2. This Order except where otherwise expressly provided shall come into operation on the date of the passing of the Act confirming this Order which date is in this Order referred to as " the commencement of this Order."

Interpretation.

3. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions to which meanings are assigned by any public or local Act of Parliament or Order applicable within the burgh shall subject to the provisions of this Order have the same respective meanings And in this Order unless the context otherwise requires the following expressions shall have the meanings assigned to them in this section, that is to say:—

" Act of 1897 " means the Public Health (Scotland) Act, 1897;

" Act of 1947 " means the Local Government (Scotland) Act, 1947;

" added areas " means the portions of the county by this Order incorporated with the existing burgh and described in the First Schedule to this Order and shown on the map to be deposited as hereinafter provided;

" burgh " means the existing burgh as extended by this Order;

" county " means the county of Lanark;

" county council " means the county council of the county;

" district council " means any district council of the county whose district or part of whose district is situated in the added areas;

" existing burgh " means the burgh of Motherwell and Wishaw within the limits and boundaries existing immediately before the sixteenth day of May, nineteen hundred and sixty-three;

" magistrates " means the magistrates of the existing burgh or of the burgh as the case may be;

" medical officer " means the medical officer of health of the existing burgh or of the burgh as the case may be;

" Planning Acts " means the Town and Country Planning (Scotland) Act, 1947, the Town and Country Planning (Amendment) Act, 1951, and the Town and Country Planning (Scotland) Act, 1959;

" sheriff " means the sheriff of the county;

" town clerk " means the town clerk of the existing burgh or of the burgh, as the case may be;

" Town Council " means the provost magistrates and councillors of the existing burgh or of the burgh, as the case may be;

" wards " means wards of the burgh;

" Water Acts and Orders " means the Wishaw Water (Additional Supply) Act, 1898, the Motherwell Water (Additional Supply) Act, 1900, the Motherwell Burgh Extension and Sewage Purification Act, 1908, the Motherwell Water and Sewage Purification Act, 1914, the Motherwell Water (Supplementary

PART I —*cont.*

Supply) Order, 1918, the Motherwell and Wishaw Burgh Order, 1920, the Motherwell and Wishaw Burgh Order, 1937, the Motherwell and Wishaw Burgh Water Order, 1951, and the Motherwell and Wishaw Burgh Order, 1952;

" waterworks " means waterworks as defined in section 84 of the Water (Scotland) Act, 1946.

PART II

EXTENSION OF BOUNDARIES

Commencement of Part II of Order.

4. This Part of this Order shall except as hereinafter provided be deemed to have come into operation on the sixteenth day of May nineteen hundred and sixty-four.

Extension of boundaries.

5. The municipal and police boundaries of the existing burgh shall be and are hereby extended to and shall include and comprehend the existing burgh and the added areas and the burgh shall be comprised within the boundaries set forth and described in the Second Schedule to this Order.

Map of burgh.

6.—(1) A map of the burgh of which eleven copies have been signed by Lord Greenhill, O.B.E., LL.D., J.P., the Chairman of the Commissioners to whom this Order was referred, shall within one month after the passing of the Act confirming this Order be deposited as follows, that is to say: one copy with the town clerk, one copy with the sheriff clerk of the county at his office in Hamilton, one copy in the office of the Clerk of the Parliaments House of Lords, one copy in the Private Bill Office of the House of Commons, one copy at the Scottish Office London, one copy with the Registrar General of Births, Deaths and Marriages in Scotland, one copy with the Minister of Agriculture, Fisheries and Food, one copy with the Commissioners of Inland Revenue, one copy with the Commissioners of Customs and Excise, one copy with the Minister of Transport, and one copy with the Minister of Power.

(2) If there is any discrepancy between the said map and the description in the Second Schedule to this Order the said map shall be deemed to be correct and shall prevail.

Added areas disjoined from county.

7. The added areas shall be and the same are hereby for the purposes of this Order and subject to the provisions thereof disjoined from the county.

Added areas incorporated in existing wards.

8.—(1) The added areas shall be incorporated in the wards of the existing burgh as follows, that is to say:—

(*a*) The portion of the added areas described in the First Schedule to this Order as added area No. 1 shall be added to and form part of Ward No. 1;

(*b*) The portion of the added areas described in the said First Schedule as added area No. 2 shall be added to and form part of Ward No. 9.

PART II —*cont.*

(2) Nothing in this section shall affect the application to the burgh of the provisions of the Act of 1947 with regard to the alteration of the number of magistrates and councillors in burghs and to the number of councillors in each ward and to the division or redivision into wards.

Town Council to administer affairs of burgh.

9. The Town Council shall in all respects stand in relation to the administration of the affairs and property of the burgh and of property under the care and management of the Town Council in the same position in which the Town Council of the existing burgh stood before the coming into operation of this Part of this Order and the Town Council shall have the same rights and powers of administration of the property and affairs of the burgh and of making all usual and necessary appointments as lawfully belonged to and were exercisable or exercised by the Town Council of the existing burgh in regard thereto notwithstanding anything in the set usage or customs of the existing burgh to the contrary.

Power of Town Council and magistrates extended to burgh.

10.—(1) The Town Council the magistrates and the dean of guild court for the burgh shall have, possess, and may exercise over the burgh and the inhabitants thereof all the jurisdictions, powers, rights and authorities which they respectively possessed and exercised over the existing burgh and the inhabitants thereof whether at common law or by statute or otherwise including without prejudice to the foregoing generality all powers of imposing, levying and recovering rates and assessments, dues and charges.

(2) All rights, privileges and immunities enjoyed and possessed by and all obligations incumbent on the inhabitants of the existing burgh shall, subject to the provisions of this Order, extend and apply to the inhabitants of the burgh.

Officers in existing burgh.

11. The several officers of or appointed by the Town Council shall possess and may exercise in their several characters and capacities the same powers in and over the burgh as they have, possess and exercise in their several characters and capacities in and over the existing burgh whether at common law or by statute but without prejudice to the right of the Town Council to make such arrangements in regard to the said officers and their respective duties as before the coming into operation of this Part of this Order they were entitled to make with reference to the officers of the existing burgh.

Powers of other jurisdictions to cease.

12. Subject to the provisions of this Order all jurisdictions, rights, powers and duties which before the coming into operation of this Part of this Order were exercised or exercisable by the county council or any other local or licensing or other authority within the added areas or any part thereof under any public, general or local or private Act of Parliament or Order shall cease and determine.

PART II —*cont.*

13. Subject to the provisions of this Order—

Property of existing burgh vested in Town Council.

(1) all property belonging to the Town Council at the coming into operation of this Part of this Order or to which the Town Council is entitled or which is held or administered by any person for or on behalf of the community of the existing burgh or for the public ends and purposes thereof shall be vested in and be held by the Town Council for the behoof and benefit of the burgh or as the case may be administered by such person for or on behalf of the community of the burgh or for the public ends and purposes thereof;

(2) all debts and obligations due by or exigible from the Town Council at the coming into operation of this Part of this Order shall be due by and exigible from the Town Council; and

(3) all debts due to the Town Council by any person before the coming into operation of this Part of this Order may be demanded and recovered from such person and received and applied by the Town Council for the behoof of the burgh.

Property and liabilities in added areas vested in Town Council.

14.—(1) Subject to the provisions of this Order and except as otherwise expressly provided in this Order all land and property vested in, held by or due or belonging to the county council, the district council or other authorities in the added areas shall by virtue of this Order and without the necessity of recording in the Register of Sasines any conveyance, notarial instrument, notice of title or other deed or writing be transferred to, vested in and shall be held by and be due and belong to the Town Council and shall form part of the property and assets of the Town Council for all the estate and interests therein of the county council, the district council or other authorities and shall be received, held and enjoyed by the Town Council accordingly.

(2) Subject to the provisions of this Order all the powers, duties, liabilities, debts, obligations, contracts and agreements of the county council, the district council or other authorities in relation to the added areas shall by virtue of this Order be transferred and attached to the Town Council and shall form part of the powers, duties, liabilities, debts, obligations, contracts and agreements of the Town Council and be enjoyed, performed, paid and discharged by them.

(3) For the purpose of enabling the Town Council to complete a title if thought fit to any part of the lands, buildings and other heritable property transferred to and vested in them by virtue of this Order by expeding a notarial instrument, notice of title or otherwise, this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such lands, buildings and other heritable property in favour of the Town Council.

(4) The Town Council shall determine any question which arises as to the department of the Town Council to which any part of such property ought to belong and any question as to the fund of the Town Council out of which such liabilities and obligations are to be defrayed.

PART II —*cont.*

(5) This section shall not apply to the property and assets situated beyond the burgh which belong to the county council, the district council or other authority.

Assessment of burgh.

15. Subject to the provisions of this Order every rate charge or assessment authorised to be requisitioned for, levied and collected by the county council over the added areas or any part thereof which has not been actually imposed before the coming into operation of this Part of this Order shall thereupon cease and determine within the added areas and thereafter all rates, charges and assessments leviable within the existing burgh by the Town Council shall be leviable on and within the burgh in the same way and manner as the same were leviable on and within the existing burgh.

Recovery of assessments within added areas.

16. Every rate, charge or assessment which has been imposed by the county council within the added areas or any part thereof before the coming into operation of this Part of this Order together with all arrears thereof shall continue to be due and payable to and may be collected and levied by the county council and by the same ways and means and under the same restrictions and regulations as if the Act confirming this Order had not been passed and shall be received and applied by the county council to and for the purposes for which the same were authorised to be levied.

Roads, etc., in added areas.

17. Subject to the provisions of this Order—

(1) the roads, streets, highways, lanes, bridges, foot-pavements and footpaths and the sewers and drains in the added areas (other than through-going sewers and drains and drainage works necessary for the drainage of areas of the county) so far as the same are vested in and managed, maintained and repaired by the county council shall by virtue of this Order be transferred to and vested in and managed, maintained and repaired by the Town Council; and

(2) the county council shall be freed and relieved in all time coming of the repair and maintenance of all such roads, streets, highways, lanes, bridges, foot-pavements and footpaths and sewers and drains.

Saving rights in roads, etc.

18. Nothing contained in this Order with respect to the vesting in the Town Council of roads, streets, highways, lanes, bridges, foot-pavements, footpaths, sewers and drains within the added areas shall prevent any superiors, owners or other persons by whom or by whose predecessors the same have been formed from recovering the cost or any proportion of the cost of forming the same from feuars or other persons under any agreements made between such persons respectively.

Books to be evidence.

19.—(1) All books, documents, maps and plans directed or authorised to be kept by the county council or by any other authority in the added areas by any Act or otherwise shall so far as they relate solely to the added areas belong and be transferred to the Town Council and in so far as they would at the coming into operation of this Part of this Order be receivable in evidence shall be admitted as evidence in all courts and proceedings notwithstanding the cesser of the powers of the county council or other authorities.

PART II —*cont.*

(2) The foregoing provisions shall not apply to the books, documents, maps and plans kept by the county council and other authorities which relate to parts of the county other than the added areas but the Town Council and their officers shall be entitled to access to such books, documents, maps and plans in so far as may be necessary in relation to matters affecting the added areas and the respective clerks or other officers of the county council and other authorities shall afford all reasonable facilities for that purpose.

Application of general and local Acts and byelaws.

20.—(1) Except so far as inconsistent with or varied by this Order the provisions of all public, general and local and private Acts and Orders which applied to the existing burgh and all byelaws, rules, regulations and orders made thereunder shall extend and apply to the burgh in the same way and to the like extent as they applied to and had effect within the existing burgh.

(2) Subject to the provisions of this Order all byelaws, rules, regulations and orders made under the provisions of any Acts or Orders relative to and in force in the added areas or any part thereof shall cease to have effect except in so far as the same may have been acted upon.

(3) Notwithstanding anything in this section the byelaws and regulations which are made to affect the added areas in regard to the construction, occupation, use, cleansing or sanitation of or any other matter affecting any dwelling-houses, cottar houses, byres, dairy premises and sculleries, milk-houses, piggeries, dungsteads and other buildings and erections therein or any renewals, extensions or enlargements thereof shall not during the period of five years from the coming into operation of this Part of this Order be made in terms more onerous on owners or tenants than the byelaws and regulations in regard to such matters in force at the time in the district of the county in which the added areas may be before the coming into operation of this Part of this Order.

Adjustment of property and liabilities.

21. The provisions of section 141 of the Act of 1947 shall apply to this Order as if the alteration of areas made thereby were an alteration of areas made under Part VI of that Act.

Town planning.

22.—(1) As from the date of the coming into operation of this Part of this Order the Town Council shall be entitled at all reasonable times to inspect and take copies of all plans or documents relating to any land within the added areas which are in the possession or under the control of the county council for the purposes of or in connection with the Planning Acts and the county council shall supply to the Town Council such information and shall afford to them such assistance for the purposes of or in connection with the said Acts as the Town Council may reasonably require.

(2) An office copy of every entry in the register relating to any land within the added areas kept by the county council under section 12 of the Town and Country Planning (Scotland) Act, 1947, shall within one month after the date of the coming into operation of this Part of this Order be supplied to the town clerk by the clerk of the county council.

PART II —*cont.*

(3) Any application for planning permission or for any consent or approval under the Planning Acts or for a determination under section 15 of the Town and Country Planning (Scotland) Act, 1947, made to the county council before the coming into operation of this Part of this Order and not determined before the coming into operation of this Part of this Order shall so far as it relates to land within the added areas be treated as a like application made to the Town Council and shall be treated as having been so made at the coming into operation of this Part of this Order:

Provided that it shall not be necessary for the Town Council to consult with any authority or person with whom consultation has already taken place in relation to that application.

(4) Any order, agreement, permission, approval, determination, consent, notice, proceeding or decision made, taken or given by the county council as local planning authority under the Planning Acts or having effect as if so made, taken or given and in force immediately before the coming into operation of this Part of this Order shall so far as it relates to any land within the added areas have effect as if it had been made, taken or given by the Town Council as such authority in respect of that land.

(5) Any direction, approval, consent or decision given by the Secretary of State or the Minister of Transport under or in pursuance of the Planning Acts or any enactment thereby repealed affecting the county council as local planning authority and in force immediately before the coming into operation of this Part of this Order shall so far as it relates to any land within the added areas have effect as if the same had been given to the Town Council as local planning authority.

(6) The provisions of this section shall apply notwithstanding anything contained in the section of this Order to which the marginal note is " Books to be evidence ".

Variation of procedure under Licensing (Scotland) Act, 1959.

23. The Secretary of State may in order to meet the circumstances arising from the extension of the existing burgh under this Order by order vary the procedure prescribed by or in pursuance of Part VIII of the Licensing (Scotland) Act, 1959, in connection with the taking of polls under the last-mentioned Act or otherwise including any date fixed in connection with such procedure.

Provisions as to subsisting licences.

24. All certificates granted before the coming into operation of this Part of this Order by the competent licensing court for the added areas or any part thereof and then in force shall unless the same be revoked or previously expire continue until the twenty-seventh day of May next following the first general half-yearly meeting of the licensing court for the burgh held after the coming into operation of this Part of this Order but all prosecutions for offences under the Licensing (Scotland) Act, 1959, with reference to such certificates or for any breach thereof or of the byelaws or regulations made under the said Act shall after the coming into operation of this Part of this Order be proceeded with in the same way as if such certificates had been originally granted within the burgh and all applications for renewal or transfer of such certificates shall after the coming into operation of this Part of this Order be disposed of by the licensing court of the burgh.

PART II —*cont.*

Proceedings not to abate.

25. All legal or other proceedings begun before the transfer and relating to any property or liabilities transferred to the Town Council under this Order may be carried on with the substitution of the Town Council as party to the proceedings in lieu of the transferor authority from whom the property or liabilities was or were transferred and any such proceedings may be amended in such manner as may be necessary for that purpose.

Repeal of laws, etc., inconsistent with Order.

26. All laws, statutes, jurisdictions, powers, privileges and usages now in force in relation to the existing burgh or within the added areas in so far as they are inconsistent or at variance with the provisions of this Order shall cease to apply to the burgh.

Power to Town Council and county and district councils to enter into agreements.

27.—(1) Subject and without prejudice to any of the provisions of this Order the Town Council and the county council or the district councils or any other authorities (all of whom are hereinafter in this section referred to as " the authorities ") or any of them may make and carry into effect agreements with respect to the transfer of property from the authorities or any of them to the Town Council and for settling and adjusting any claims or any doubt or difference arising in relation thereto.

(2) The provisions of any such agreement shall be deemed to be within the powers of the Town Council and of the authorities or any of them respectively and shall have and be carried into effect accordingly.

(3) Any difference arising as to any such agreement or as to any other matter or thing in relation to the transference under this Order of the property, liabilities or powers of the authorities or any of them shall (failing agreement) be determined by an arbiter to be appointed by the Secretary of State on the application of any of the parties concerned.

(4) If any question of law arises in the course of such arbitration the arbiter shall have power at the request of any of the parties concerned to state a case for the opinion of the court of session and the said court shall determine such question.

Saving for county councillors, etc.

28. Notwithstanding anything contained in the Act of 1947 or this Order any member of the county council or of a district council who at the coming into operation of this Part of this Order represented any electoral division situated partly within and partly without the added areas shall in ordinary course continue to be a member of the county council or of the district council as the case may be until the next election of county councillors or district councillors as the case may be after the coming into operation of this Part of this Order.

Order not to affect election of members to serve in Parliament.

29. Nothing in this Order shall interfere with the election of members to serve in Parliament for the county and the county shall for Parliamentary purposes remain in all respects as if the Act confirming his Order had not been passed.

For protection of county council.

30. The following provisions (unless otherwise agreed in writing between the Town Council and the county council) shall apply and have effect, that is to say:—

(1) The Town Council shall as from the commencement of this Order repay to the county council the total amount of all

PART II —*cont.*

sums advanced by the county council by way of loans on the security of subjects within the added areas under the Small Dwellings Acquisition Acts, 1899 to 1923, the Housing &c. Act, 1923, the Housing (Financial Provisions) Act, 1924, the Housing (Scotland) Acts, 1925 to 1949, and the Housing (Scotland) Acts, 1950 to 1959, and any Acts amending the said Acts or any of them under deduction of any sums repaid to the county council before the passing of the Act confirming this Order and in consideration of such payment the county council shall assign to the Town Council all bonds and dispositions in security or other securities held by them for repayment of such advances with all rights competent to them thereunder;

(2) The Town Council shall as from the commencement of this Order repay to the county council the total amount of all sums advanced by the county council as subsidies to persons in respect of subjects in the added areas under the Housing &c. Act, 1923, the Housing (Financial Provisions) Act, 1924, the Housing (Scotland) Acts, 1925 to 1949, and the Housing (Scotland) Acts, 1950 to 1959, and any Acts amending the said Acts or any of them under deduction of any grants received by or due to the county council from the Secretary of State in respect thereof at or before the passing of the Act confirming this Order and in consideration of such payment the county council shall transfer to the Town Council all rights which they have to receive grants from the Secretary of State in respect of such subsidies;

(3) The county council shall transfer to the Town Council all rights which they have to receive from the Secretary of State payments or grants in respect of any housing schemes carried out by the county council in the added areas under the Housing (Scotland) Acts, 1890 to 1924, the Housing (Scotland) Acts, 1925 to 1949, and the Housing (Scotland) Acts, 1950 to 1959, and any Acts amending the said Acts or any of them;

(4) If any difference arises between the Town Council and the county council under this section such difference shall failing agreement be determined by an arbiter to be named (failing agreement by the parties to name an arbiter) by the sheriff on the application of either of the parties.

Saving for electricity and gas boards.

31. Nothing contained in this Order shall transfer or be deemed or construed to transfer to the Town Council any property in the added areas belonging to the South of Scotland Electricity Board or to the Scottish Gas Board or any powers exercisable in the added areas by the said boards.

PART III

WATER SUPPLY

Extension of water supply limits.

32. The limits of supply of the Town Council for the supply of water under the Water (Scotland) Acts, 1946 and 1949, shall be and are hereby extended to and shall include the added areas and the Water Acts and Orders shall be read and construed accordingly.

PART III —*cont.*

33. The waterworks belonging to the county council situated within the added areas (other than through-going mains necessary for the supply of other parts of the water area of supply of the county council) are by virtue of this Order transferred to and vested in the Town Council and shall form part of their water undertaking and shall be held and used by the Town Council for the purposes of their water undertaking.

Transfer of water pipes in added areas.

34. The following provisions (unless otherwise agreed in writing between the Town Council and the county council) shall apply and have effect, that is to say:—

Compensation to county council in respect of powers as to water supply.

(1) In respect of the cesser of the county council's powers as local water authority in the added areas and the transfer to the Town Council of the waterworks therein belonging to the county council provided in the two immediately preceding sections of this Order the Town Council shall pay to the county council such sum as may be mutually agreed upon or failing agreement as may be fixed by an arbiter to be agreed upon or failing agreement to be appointed by the Secretary of State on the application of the Town Council or the county council and the compensation to be paid by the Town Council to the county council in respect of the said cesser of the county council's powers as local water authority in the added areas shall be fixed on the basis of payment as for transfer of a revenue-producing undertaking;

(2) The sum payable by the Town Council to the county council in terms of this section shall be paid to the county council on or before the fifteenth day of May, nineteen hundred and sixty-four, together with interest thereon at the rate of five per centum per annum from that date until the date of actual payment and shall be accepted by the county council as full compensation in respect of the matters dealt with in the two immediately preceding sections of this Order;

(3) Any sum and the interest thereon (if any) paid by the Town Council to the county council under this section shall subject to the sanction of the Secretary of State be applied by the county council either in repayment of debt or for such other purposes as the county council may determine.

PART IV

MISCELLANEOUS

Amendment of Act of 1897 as to common lodging-houses.

35.—(1) In Part V of the Act of 1897 in its application to the burgh from and after the commencement of this Order—

(*a*) the expression " common lodging-house "—

(i) means a house or part thereof in which any person is lodged by the night at a rate not exceeding four shillings and sixpence per night for each person or such less sum as the Town Council shall from time to time prescribe or such greater sum as may from time to time be prescribed by order made by the Secretary of State whether the same is payable nightly or weekly or at any period not longer than a fortnight; and

PART IV —*cont.*

(ii) includes all boarding-houses for seamen irrespective of the rates charged for lodgings or boarding;

(*b*) the expression " keeper of a common lodging-house " means and includes the tenant, sub-tenant, occupier or other person having the care or management of such common lodging-house and who lodges such person; and

(*c*) the word " lodger " means any person so lodged.

(2) The power of the Secretary of State to make orders increasing the amount of four shillings and sixpence mentioned in subsection (1) of this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Common lodging-houses may be required to be cleansed.

36. It shall be lawful for the medical officer of health on the occurrence of any case of epidemic, endemic or contagious disease in any common lodging-house to require the keeper of such common lodging-house by notice in writing to comply with and carry into effect any directions and regulations for preventing the occurrence of further cases or for mitigating the said disease which the medical officer of health considers expedient and which may be issued to the owner or occupier of a dwelling-house in any district, street or court in which the medical officer of health has reported that it appears to him desirable to use special sanitary measures and every such notice may be enforced in the same way and under the same penalty as is provided with respect to the enforcement of similar notices by a sanitary inspector.

Separation of sexes in houses let in lodgings.

37.—(1) The Town Council as the local authority of the burgh under the Act of 1897 may make byelaws applicable to houses let in lodgings and persons occupying and using the same requiring that persons of different sexes above the age of ten years (other than husband and wife) shall not occupy the same sleeping apartment.

(2) The power of the Town Council to make byelaws under this section shall be in addition to and not in derogation of their power to make byelaws under section 72 of the Act of 1897.

Confirming authority for byelaws.

38. Where byelaws are made under the powers of this Order the confirming authority for the purpose of section 301 of the Act of 1947 shall be the Secretary of State.

Saving for town and country planning.

39. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act, 1947, for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

PART V

FINANCE

Borrowing powers.

40. The Town Council in addition to any other powers of borrowing which they now have may from time to time borrow at interest for—

(*a*) the several purposes of this Order;

PART V —*cont.*

(*b*) the payment of the costs, charges and expenses of preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Order;

such sums of money as may be necessary:

Provided that money so borrowed for purpose (*a*) shall be repaid within thirty years from the date or dates of borrowing and that money so borrowed for purpose (*b*) shall be repaid within five years from the commencement of this Order.

As to expenditure for purposes of Order.

41. All expenditure incurred by the Town Council in the exercise of the powers conferred and the performance of the duties imposed on them by this Order or the byelaws made thereunder and not otherwise recovered as provided in this Order shall be paid or satisfied out of the burgh fund and shall be deemed to be expenditure payable out of the burgh rate under the appropriate head.

Saving for control on borrowing.

42. It shall not be lawful to exercise the powers of borrowing conferred by this Order other than the power of borrowing to pay the costs, charges and expenses of this Order except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946, or of section 259 of the Act of 1947.

Costs of Order.

43. All costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Order or otherwise in relation thereto shall be paid by the Town Council out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed by them under this Order for that purpose.

SCHEDULES

FIRST SCHEDULE

BOUNDARIES OF THE ADDED AREAS

ADDED AREA NO. 1

AREA WITHIN THE PARISH OF CAMBUSNETHAN AND THE COUNTY OF LANARK

Commencing at the most southerly point of the present burgh boundary as defined in the Motherwell and Wishaw Burgh Order Confirmation Act, 1952 (hereinafter referred to as " the present burgh boundary "), being the south-east corner of inclosure 336a (Lanarkshire Sheet XVIII 7 Revision of 1940) thence in a south-westerly direction in a straight line to the north-east corner of inclosure 290 thence in a south-westerly direction following the eastern boundary of the said inclosure thence in a westerly direction following the southern boundary of inclosures 290 and 290a to the south-west corner of inclosure 290a thence in a direction generally westerly along the southern boundary of inclosure 291 to the south-east corner of inclosure 293a thence generally in a westerly direction following the southern boundary of inclosures 293a and 293 to the north-east corner of inclosure 295 thence in a southerly direction following the eastern boundary of said inclosure to the south-east corner thereof thence in a north-westerly direction following the southern boundary of inclosure 295 for a distance of 95 feet or thereby to a point on the continuation in a north-easterly direction of the eastern boundary of inclosure 296 thence in a south-westerly direction in a straight line to the north-east corner of inclosure 296 thence north-westerly following the northern boundaries of inclosures 296, 297, 299, 318a, 299, 315a, 315 and 313 to the northmost point of the said inclosure 313 thence south-westerly following the western boundary of the said inclosure 313, for a distance of 210 feet or thereby thence north-westerly to the southmost point of inclosure 311a thence westerly in a straight line to the southmost point of inclosure 363 thence generally north-westerly following the southern boundaries of inclosures 363 and 365 to the westmost point of the said inclosure 365 thence generally westerly following the northern boundaries of inclosures 363a and 425 to a point on the continuation of the northern boundary of inclosure 424 thence in a straight line to the eastmost corner of the said inclosure 424 thence north-westerly following the northern boundary of the said inclosure 424 and continuing in the same straight line across inclosure 424 (Lanarkshire Sheet XVIII 6 Edition of 1912) to a point on the south-eastern boundary of inclosure 422 thence north-easterly following the south-eastern boundary of inclosure 422 (Lanarkshire Sheet XVIII 6 (Edition of 1912)) to the eastmost point of the said inclosure 422 thence north-westerly following the northern boundaries of inclosures 422 and 484 to the northmost point of said inclosure 484 thence north-westerly in a straight line to the north-east corner of inclosure 488 thence north-westerly following the northern boundary of the said inclosure 488 to the northmost corner of inclosure 488 thence south-westerly following the western boundary of inclosure 488 to the south-west corner of said inclosure 488 thence north-westerly in a straight line to the north-east corner of inclosure 489a (Lanarkshire Sheet XVIII 2 Revision of 1940) thence north-westerly following the northern boundary of the said

1ST SCH. —*cont.*

inclosure 489a to the northmost corner of said inclosure 489a thence westerly in a straight line to the north-east corner of inclosure 514 thence westerly following the northern boundary of inclosure 514 to the northwest corner of said inclosure 514 thence in a northerly direction to a point on the eastern boundary of inclosure 512 which point is 300 feet or thereby south of the north-east corner of said inclosure 512 thence in a northerly direction following the eastern boundary of inclosure 512 until it meets the present burgh boundary thence in a direction generally northerly, easterly, northerly, north-westerly, northerly and south-easterly following the present burgh boundary (Lanarkshire Sheets XVIII 2 (Revision of 1940) XVIII 3 (Revision of 1940) and XVIII 7 (Revision of 1940)) to the point of commencement.

NOTE: For the foregoing description reference was made to 1/2500 Ordnance Survey Plans Lanarkshire Sheets XVIII 2 and XVIII 3 (Revision of 1940), XVIII 6 (Edition of 1912) and XVIII 7 (Revision of 1940).

ADDED AREA NO. 2

AREA WITHIN THE PARISH OF CAMBUSNETHAN AND THE COUNTY OF LANARK

Commencing at a point on the present burgh boundary being the centre line of the South Calder Water at the eastmost face of the bridge known as Coltness Bridge carrying the Coltness Road over the South Calder Water (Plan NS 8057 Revised March, 1958) thence in a direction generally easterly along the centre line of the South Calder Water to a point on the continuation in a northerly direction of the centre line of the watercourse passing through inclosure 9432 and thence in a southerly direction following the line of the said continuation and the centre line of the said watercourse through the said inclosure 9432 to the north-west corner of inclosure 9410 thence in a south-westerly direction following the north-west boundary of the said inclosure 9410 to the westmost point thereof thence in a south-westerly direction following the centre line of the said watercourse through inclosures 9432, 6678, 5998, 8304, 9432 and 6678 to a point on the continuation of the northern boundary of inclosure 5082 thence generally in a westerly direction to the north-east corner of the said inclosure 5082, at which point it meets the present burgh boundary (Plan NS 8056 Revised March, 1958) thence in a direction generally westerly, north-easterly and north-westerly following the present burgh boundary (Plans NS 8056 (Revised March, 1958) and NS 8057 (Revised March, 1958)) to the point of commencement.

NOTE: For the foregoing description reference was made to 1/2500 Ordnance Survey Plans NS 8056 (Revised March, 1958) and NS 8057 (Revised March, 1958).

SECOND SCHEDULE

BOUNDARIES OF THE BURGH INCLUDING THE ADDED AREAS

Commencing at a point on the centre of the river Clyde (Lanarkshire Sheet XI 16, Revision of 1936) where the centre of the South Calder Water joins the river Clyde thence in a direction generally north-easterly, easterly, north-easterly, north-westerly, northerly, easterly, north-easterly, easterly and south-easterly following the centre line of the

2ND SCH. —*cont.*

South Calder Water (Lanarkshire Sheets XI 12, XII 9 and XII 5) to the south face of Jerviston Camp Bridge carrying Glen Street over the South Calder Water (Lanarkshire Sheet XII 9, Revision of 1939) thence in a direction generally north-easterly following the south side of the public road in continuation of Glen Street and continuing in an easterly direction following the northern boundary of inclosure 541 to the north-east corner of inclosure 541 thence in a straight line to a point on the western boundary of inclosure 542 which point is 54 yards north of the south-west corner of inclosure 542 thence northerly, north-easterly and south-easterly following the western, north-western and northern boundaries of inclosure 542 to the eastern boundary of inclosure 542 thence northwards in prolongation of the eastern boundary of inclosure 542 to the north-east side of the roadway leading to Annandale Place thence northerly and north-easterly following the north-western boundaries of inclosures 315 and 316 to the northmost point in inclosure 316 (Lanarkshire Sheet XII 10, Revision of 1939) thence in a direction generally south-easterly, north-easterly and south-easterly following the northern boundary of inclosure 316 to the north-east corner of inclosure 316 thence southerly for a distance of 20 yards along the eastern boundary of inclosure 316 thence easterly to the south-west corner of inclosure 307A thence easterly following the southern boundary of inclosure 307A to the north-west corner of inclosure 241 thence easterly, southerly and westerly following the northern, eastern and southern boundaries of inclosure 241 to the south-west corner of inclosure 241 thence southerly and easterly following the western and southern boundaries of inclosure 240 for a distance of 171 yards and continuing in a straight line until it meets the southern boundary of inclosure 236 thence easterly following the southern boundary of inclosure 236 to the south-east corner of inclosure 236 thence south-westerly in a straight line for a distance of 120 yards thence south-easterly in a straight line for a distance of 76 yards thence north-easterly in a straight line for a distance of 12 yards thence south-easterly in a straight line for a distance of 44 yards till it meets the northern side of the Motherwell-Stirling road thence in a north-easterly direction along the northern side of the Motherwell-Stirling road for a distance of 96 yards thence south-east in a straight line across the Motherwell-Stirling road to the westmost point of inclosure 227 thence in a south-easterly direction following the southern boundary of inclosures 227 and 203 to the south-east corner thereof thence easterly in a straight line to the south-west corner of inclosure 206A thence in a northerly direction following the western boundary of inclosure 206A to the north-west corner thereof thence easterly in a straight line to the south-west corner of inclosure 211 thence easterly following the southern boundary of inclosure 211 to the south-east corner thereof at a point on the centre line of the stream located there thence in a direction generally southerly following the centre line of the stream through inclosures 217, 130, 217 and 126 and continuing to the centre line of the South Calder Water (Lanarkshire Sheet XII 14, Revision of 1939) thence in a direction generally easterly, south-easterly, north-easterly and easterly along the centre line of the South Calder Water (Lanarkshire Sheets XII, 10 XII 11, XII 15) to a point on the continuation in a northerly direction of the centre line of the watercourse passing through inclosure 9432 and thence in a outherly direction following the line of the said continuation and the

2ND SCH. —*cont.*

centre line of the said watercourse through the said inclosure 9432 to the north-west corner of inclosure 9410 thence in a south-westerly direction following the north-west boundary of the said inclosure 9410 to the westmost point thereof thence in a south-westerly direction following the centre line of the said watercourse through inclosures 9432, 6678, 5998, 8304, 9432 and 6678 to a point on the continuation of the northern boundary of inclosure 5082 thence generally in a westerly direction to the north-east corner of the said inclosure 5082 thence southerly following the eastern boundary of said inclosure 5082 to the south-east corner of inclosure 5082 thence southerly for a distance of 60 feet or thereby to National Grid reference NS 8064356687 thence south-westerly in a straight line to a point on the northern boundary of inclosure 4859 which point is 150 feet or thereby west of the north-east corner of said inclosure 4859 thence easterly along the northern boundary of said inclosure 4859 to the north-east corner of the said inclosure 4859 thence generally south-easterly and south-westerly following the eastern boundary of inclosure 4859 to the south-east corner of inclosure 4859 thence south-westerly in a straight line to the northmost corner of inclosure 6335 thence south-westerly, westerly, and southerly following the western boundary of inclosure 6335 to the north-west corner of inclosure 5813 thence southerly following the western boundary of said inclosure 5813 to the south-west corner of inclosure 5813 thence southerly (Plan NS 8055, Edition of 1956) following the western boundary of inclosure 5899 and continuing in a straight line until it meets the northern boundary of inclosure 5391 thence easterly following the northern boundary of inclosure 5391 to the north-east corner of inclosure 5391 thence easterly following the northern boundary of inclosure 7096 for a distance of 160 feet or thereby to the northmost corner of inclosure 7096 thence in a straight line to National Grid reference NS 8173155940 thence in a south-easterly direction in a straight line for a distance of 560 feet or thereby to National Grid reference NS 81811255791 thence in a south-easterly direction for a distance of 513 feet or thereby to National Grid reference NS 8189455657 thence in a south-westerly direction in a straight line till it meets the south-west side of Woodhall Road at a point 21 feet north-west of the north-east corner of inclosure 7235 thence in a south-westerly direction in a straight line to a point on the western boundary of the dismantled Wishaw and Newmains branch railway which point is 24 feet south-west of the south-west corner of inclosure 9338 (Plan NS 8055, Edition of 1956) thence in a south-westerly direction following the western boundary of said dismantled railway for a distance of 468 feet thence in a south-easterly direction for a distance of 138 feet thence in a south-westerly direction to a point on the burn through Greenhead Moss National Grid reference NS 8084955030 thence south-easterly following the said burn (Plan NS 8054, Edition of 1956) to the southmost point on the same in inclosure 9673, National Grid reference NS 8098754801 thence in a southerly direction in a straight line for a distance of 595 feet to the south-west embankment of the dismantled railway, National Grid reference NS 8097854620 thence in a south-easterly and easterly direction (Plan NS 8154, Revised April, 1958) following the south-west and south embankment of the said dismantled railway until it meets the footpath running south-east to north-west past the former site of Moss Cottage and adjacent to circular inclosure 3641 at a point

2ND SCH —*cont.*

National Grid reference NS 8126054445 thence in a south-easterly direction following the south-west side of the said footpath for a distance of 85 feet thence due south-west for a distance of 50 feet thence due south-east for a distance of 100 feet thence due north-east for a distance of 50 feet (following the boundary of the former site of Moss Cottage) to a further point on the south-west side of the footpath already referred to thence in a south-easterly direction following the south-west side of the said footpath to a point in inclosure 3266, National Grid reference NS 8137954321 thence south-westerly following the southern boundary of the said inclosure 3266 to the southmost corner of said inclosure 3266 thence south-westerly following the southern boundary of inclosure 0922 and inclosure 7832 (Plan NS 8054, Edition of 1956) to the southmost corner of said inclosure 7832 thence westerly following the southern boundary of inclosure 8808 to the southmost corner of inclosure 8808 thence south-westerly to National Grid reference NS 8086554033 thence north-westerly for a distance of 103 feet or thereby to National Grid reference NS 8083754045 thence northerly for a distance of 240 feet or thereby to National Grid reference NS 8085054119 thence north-westerly for a distance of 285 feet or thereby to National Grid reference NS 8077654164 thence westerly for a distance of 605 feet or thereby to National Grid reference NS 8061354248 thence south-westerly for a distance of 196 feet or thereby to National Grid reference NS 8058054198 thence north-westerly for a distance of 126 feet or thereby to a point on the eastern boundary of inclosure 5833 which point is 138 feet or thereby north-east of the south-east corner of the said inclosure 5833 thence south-westerly following the eastern boundary of inclosure 5833 to the southmost corner of inclosure 5833 and continuing in a straight line to meet the northern boundary of inclosure 5312 thence south-easterly following the northern boundaries of inclosures 5312, 6104, 7101, 6295 to the north-east corner of said inclosure 6295 (Plan NS 8053 Revised May, 1958) thence south-westerly following the eastern boundaries of inclosures 6295, 6088 and 5179 to the south-east corner of the said inclosure 5179 thence generally in a south-westerly direction following the western boundary of the footbridge over the railway to the eastmost corner of inclosure 3869 thence in a south-westerly direction following the eastern boundary of inclosure 3869 for a distance of 129 feet thence south-easterly for a distance of 18 feet thence generally south-south-westerly for a distance of 45 feet being to a point 33 feet distant from the eastern boundary of inclosure 3869 thence south-westerly for a distance of 36 feet parallel to the eastern boundary of inclosure 3869 thence north-westerly to the north-east corner of inclosure 2958 thence south-westerly following the eastern boundaries of inclosures 2958 and 2246 to the south-east corner of inclosure 2246 (inclosure 336a on Lanarkshire Sheet XVIII 7, Revision of 1940) thence in a south-westerly direction in a straight line to the north-east corner of inclosure 290 thence in a south-westerly direction following the eastern boundary of said inclosure thence in a westerly direction following the southern boundary of inclosures 290 and 290A to the south-west corner of inclosure 290A thence in a direction generally westerly along the southern boundary of inclosure 291 to the south-east corner of inclosure 293A thence generally in a westerly direction following the southern boundary of inclosures 293A and 293 to the north-east corner of inclosure 295 thence in a southerly direction following the eastern

2ND SCH. —*cont.*

boundary of said inclosure to the south-east corner thereof thence in a north-westerly direction following the southern boundary of inclosure 295 for a distance of 95 feet or thereby to a point on the continuation in a north-easterly direction of the eastern boundary of inclosure 296 thence in a south-westerly direction in a straight line to the north-east corner of inclosure 296 thence north-westerly following the northern boundaries of inclosures 296, 297, 299, 318A, 299, 315A, 315 and 313 to the northmost point of the said inclosure 313 thence south-westerly following the western boundary of the said inclosure 313 for a distance of 210 feet or thereby thence north-westerly to the southmost point of inclosure 311A thence westerly in a straight line to the southmost point of inclosure 363 thence generally north-westerly following the southern boundaries of inclosures 363 and 365 to the westmost point of the said inclosure 365 thence generally westerly following the northern boundaries of inclosures 363A and 425 to a point on the continuation of the northern boundary of inclosure 424 thence in a straight line to the eastmost corner of the said inclosure 424 thence north-westerly following the northern boundary of the said inclosure 424 and continuing in the same straight line across inclosure 424 (Lanarkshire Sheet XVIII 6 Edition of 1912) to a point on the south-eastern boundary of inclosure 422 thence north-easterly following the south-eastern boundary of inclosure 422 (Lanarkshire Sheet XVIII —6 Edition of 1912) to the eastmost point of the said inclosure 422 thence north-westerly following the northern boundaries of inclosures 422 and 484 to the northmost point of said inclosure 484 thence north-westerly in a straight line to the north-east corner of inclosure 488 thence north-westerly following the northern boundary of the said inclosure 488 to the northmost corner of inclosure 488 thence south-westerly following the western boundary of inclosure 488 to the south-west corner of said inclosure 488 thence north-westerly in a straight line to the north-east corner of inclosure 489A (Lanarkshire Sheet XVIII—2 Revision of 1940) thence north-westerly following the northern boundary of the said inclosure 489A to the northmost corner of said inclosure 489A thence westerly in a straight line to the north-east corner of inclosure 514 thence westerly following the northern boundary of inclosure 514 to the north-west corner of said inclosure 514 thence in a northerly direction to a point on the eastern boundary of inclosure 512 which point is 300 feet or thereby south of the north-east corner of said inclosure 512 thence in a northerly direction following the eastern boundary of inclosure 512 thence westerly following the southern boundaries of inclosures 536, 536A, 537, 537A until it meets the Adders Gill Parliamentary County Division boundary thence southerly and westerly along the said Adders Gill to the centre line of the River Clyde thence in a direction generally westerly and north-westerly along the centre line of the River Clyde to the point of commencement.

NOTE: The numbers of the inclosures and boundaries referred to are those as given on the 1/2500 Ordnance Survey Maps, Lanarkshire Sheets XI 12 (Revision of 1935), XI 16 (Revision of 1936), XII 5, XII 9, XII 10, XII 11, XII 13, XII 14, XII 15 (Revisions of 1939), XVIII 1 (Revision of 1939), XVIII 2, XVIII 3 (Revisions of 1940), XVIII 6 (Edition of 1912), XVIII 7 (Revision of 1940) and Plans NS 8053 (Revised May, 1958), NS 8054, NS 8055 (Editions of 1956), NS 8056, NS 8057 (Revised March, 1958), NS 8154 (Revised April, 1958), NS 8155 (Edition of 1956).

Table of Statutes referred to in this Act

Short title	Session and chapter
Public Health (Scotland) Act, 1897 ...	60 & 61 Vict. c. 38.
Housing &c. Act, 1923	13 & 14 Geo. 5 c. 24.
Housing (Financial Provisions) Act, 1924	14 & 15 Geo. 5 c. 35.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Water (Scotland) Act, 1946	9 & 10 Geo. 6 c. 42.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6 c. 43.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6 c. 53.
Water (Scotland) Act, 1949	12, 13 & 14 Geo. 6 c. 31.
Town and Country Planning (Amendment) Act, 1951	14 & 15 Geo. 6 c. 19.
Licensing (Scotland) Act, 1959	7 & 8 Eliz. 2 c. 51.
Town and Country Planning (Scotland) Act, 1959	7 & 8 Eliz. 2 c. 70.

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